

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHARMIN BEGUM, SP 2014-LE-008 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 7001 Brocton Ct., Springfield, 22150, on approx. 2,128 sq. ft. of land zoned R-8C and HC. Lee District. Tax Map 90-2 ((14)) 57. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on May 21, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a staff recommendation of approval, and the Board adopts the rationale in the staff report.
3. The Board reviews these cases one at a time.
4. These are a little more difficult in a townhouse, but it is an end unit. It has three assigned parking spaces. It seems to have been operating without complaint up to this point, and with the imposition of the development conditions, the potential impacts can be successfully mitigated.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Sharmin Begum, only and is not transferable without further action of the Board, and is for the location indicated on the application, 7001 Brocton Court, and is not transferable to other land.
2. This special permit is granted only for the home child care facility use indicated on the special permit plat prepared by Alterra Surveys, Inc., dated July 22, 2013, as revised through December 2, 2013, by Sharmin Begum, owner, and approved with this application, as qualified by these development conditions.

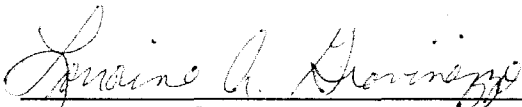
3. A copy of this special permit **SHALL BE POSTED in a conspicuous place on the property of the use** and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of children on site at any one time shall be 12, excluding the applicant's own children.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. There shall be no signage associated with the home child care facility.
8. A point of egress, which meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be installed in the sleeping room, as labeled "Baby Room" on the floor plan in Attachment 1. **This egress shall be installed within 90 days of the approval of the special permit.**
9. Upon the discontinuance of the proposed use, the second kitchen, located in the area of the child care facility, shall be removed.
10. All pickup and drop-off of the children shall take place in the assigned parking spaces and not along the street.
11. All applicable permits and inspections shall be obtained prior to establishment of the use, to be demonstrated to the satisfaction of the Zoning Administration Division, including any electrical or plumbing inspections as may be required.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, ninety (90) days after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven until all conditions are met. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 4-1. Mr. Byers voted against the motion. Mr. Smith and Mr. Hammack were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Lorraine A. Giovinazzo". The signature is written in dark ink and is positioned above a horizontal line.

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

